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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

4 Dec 21, 2020
5 SEAN F. McAVOY, CLERK

6 UNITED STATES DISTRICT COURT
7

8 EASTERN DISTRICT OF WASHINGTON
9

10 UNITED STATES OF AMERICA,

No. 1:19-CR-02060-SAB-1

11 Plaintiff,

ORDER DENYING DEFENDANT'S
MOTION TO MODIFY
CONDITIONS OF RELEASE

12 vs.
13 IYAIR ROGELIO SANCHEZ-
ANGULO,

14 ECF No. 49

15 Defendant.

16 Before the Court is Defendant's Motion to Modify Conditions of Release

17 (ECF No. 49). On Monday December 21, 2020, the Court held a hearing on the

18 Motion. Pursuant to General Order 20-101-3 and the CARES Act, Pub. L. No.

19 116-136 (H.R. 748) (eff. March 27, 2020), the Court found that video conferencing

20 was not reasonably available for Defendant. With his consent, Defendant appeared

21 by phone from out of custody and was represented by Assistant Federal Defender

22 Paul Shelton. Assistant United States Attorney Richard Burson represented the

23 United States.

24 ORDER DENYING DEFENDANT'S MOTION TO MODIFY CONDITIONS OF
RELEASE - 1

1 Specifically, Defendant requests that the Court modify Special Condition No.
2 8, which requires Defendant participate in GPS monitoring. The United States
3 Probation/Pretrial Services Office did not oppose the Motion. However, the
4 United States opposes the request.

5 The Court considered the arguments of the parties and the testimony of
6 United State Probation Officer Arturo Santana in determining whether to grant
7 Defendant's motion. In support of the requested modification, Defendant notes
8 that he has been on pretrial release without issue since he was released from
9 custody on January 22, 2020, that he posted a \$50,000 percentage bond, and that
10 the Court previously modified his conditions of pretrial release in that it removed
11 the curfew that had been in place. ECF No. 49 at 2–3. Defendant also noted that
12 the United States did not seek detention when he pled guilty. *See* ECF No. 48.

13 Despite Defendant's continued compliance with the conditions of his pretrial
14 release, the Court cannot find that the removal of the GPS monitoring device is
15 appropriate. As mentioned above, Defendant has pled guilty and is currently
16 awaiting sentencing on the underlying criminal offense. ECF No. 48. As such, 18
17 U.S.C. § 3143(a) sets the standard for determining whether to release or detain a
18 defendant and states that the Defendant shall “be detained, unless the judicial
19 officer finds by clear and convincing evidence that the person is not likely to flee
20 or pose a danger to the safety of any other person or the community if released.”

Relying on that higher standard, the Court cannot find that it is appropriate to grant Defendant's motion. Defendant has a very serious and lengthy criminal history. Despite the fact that this history is somewhat old, the Court has concerns regarding Defendant's past associations. This is especially so when Defendant is no longer employed at this time. The Court finds that the GPS monitoring helps to ensure the safety of the community while Defendant is awaiting sentencing.

ACCORDINGLY, IT IS ORDERED:

1. Defendant's Motion to Modify Conditions of Release (ECF No. 49) is

DENIED.

2. Defendant shall remain subject all previously imposed conditions of release.

DATED December 21, 2020

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES MAGISTRATE JUDGE